



## **DRAFT MINUTES**

# **THE GOVERNOR'S CITIZEN'S TRAFFIC STOP ADVISORY BOARD**

**May 25<sup>th</sup>, 2011**

**State Capitol Executive Tower  
3<sup>rd</sup> Floor, Board of Pharmacy Conference Room  
1700 West Washington Street  
Phoenix, Arizona 85007**

**Members Present:** Chair Mel Hannah, Zoe Kristine Hammer Tomizuka, and Jesus "Rudy" Rodriguez

**Teleconference Members:** Coral Evans and Luis Fernandez

**Absent:** Jean-Jacques Cabou, David Gonzalez, and Carl Landrum

**Staff:** Linda Stiles, Director, Governor's Office of Boards and Commissions, DJ Shooter, Governor's Office of Boards and Commissions, Ryan Owens, Governor's Office of Boards and Commissions

**Guest:** Lt. Colonel Hegarty, Department of Public Safety, Annie Lai, ACLU, Anni Foster, Arizona Attorney General's Office.

## **REGULAR BUSINESS**

### **1. CALL TO ORDER**

Chairman Mel Hannah called the meeting to order at approximately 12:45 p.m.

### **2. APPROVAL OF MINUTES**

No Discussion

**ACTION:** Rudy Rodriguez motioned to approve the May 20<sup>th</sup>, 2010 minutes; Luis Fernandez seconded; **motion carried unanimously.**

## **GENERAL BUSINESS**

### **3. REVIEW OF PREVIOUSLY ADOPTED BOARD RECOMMENDATIONS**

Chairman Mel Hannah read the handout regarding the three recommendations that were adopted October 16<sup>th</sup>, 2008. The first recommendation was regarding the requirement that officers have reasonable suspicion of criminal activity, prior to any request to conduct a consent search, in all written DPS materials. The second was that new DPS officers shall include written materials setting forth the above policy and provide explanations and examples of what constitutes “reasonable suspicion” in a vehicle stop situation. Lastly, DPS shall amend its General Order and all other related documents to reflect that consent searches may only be conducted if the target of the search signs the consent to search form or if the target is recorded by audio and or video giving consent. Chairman Hannah also reviewed the two recommendations that were still under consideration.

### **4. REPORT/UPDATE FROM DPS**

Lt. Colonel Hegarty said that DPS has complied with the settlement agreement. Last year there were 259 cameras in DPS cars. This year there are video cameras in 252 vehicles, roughly 20% of the fleet. The Consent to Search and Reasonable Suspicion forms have been modified so that they now are an electronic form (Trax 10 software).

Chairman Hannah asked if the budget constraints were affecting the installation of cameras. Lt. Colonel Hegarty said DPS doesn’t have any new expenditures regarding hiring, new cars or new cameras. He stated that the cameras are a priority but not above personnel or a few other expenditures. Chairman Hannah then asked if the cameras were distributed throughout the State or if they were focused in just one area or county. Lt. Colonel Hegarty stated that most of the cameras are along Arizona’s main Interstates (I-10, I-8 and I-40) but that they are throughout the State.

### **5. REPORT/UPDATE FROM STATE OF ARIZONA ACLU**

Ms. Lai from the State of Arizona ACLU stated that data collected on Consent Searches in Arizona showed racial disparities. Data compiled from last year shows minorities are more likely to be asked and less likely to refuse a search.

Ms. Lai stated the ACLU is glad to hear the three recommendations have been completed or are well on their way. She asked if the 4<sup>th</sup> recommendation has been completed. The ACLU understands the budget issue that is keeping DPS from obtaining more cameras and she urges for repairs to the existing cameras. The ACLU received more racial profiling complaints since SB1070. Ms. Lai gave two examples of complaints they received of racial profiling against DPS officers.

Ms. Tomizuka asked where the data that shows racial profiling still existing is coming from. Ms. Lai noted it was from page 134-35 of the 2009 University of Cincinnati report.

Mr. Fernandez asked if there was more recent data than the 2007 information. Ms. Lai said the data collected from the University of Cincinnati can be viewed on DPS’s website where data from years 1-3 (mandated) are available and years 4-5 (which were voluntary) will be available soon.

### **6. BOARD CONTINUATION DISCUSSION AND FUTURE MEETING DATES**

Chairman Hannah opened the discussion regarding the direction of the Board. He reiterated that the settlement agreement said the objective of the board is to eliminate racial profiling. Chairman Hannah

said that work preventing or eliminating racial profiling will never be done. Chairman Hannah asked for other Board members desired direction of the Board.

Mr. Rodriguez recommended the Board create a civilian review component.

Ms. Evans is unhappy with the way the board is administered and says it is inefficient. She would like information more available. She wanted to know how to get changes and recommendations implemented on the DPS budget.

Chairman Hannah said part of the inefficiency is to be blamed on the lack of participation by the members.

Ms. Tomizuka would like the life of the Board to be extended.

Ms. Evans would like to know how to get the Board to continue past the sunset date of August 2011.

Mr. Fernandez suggested the Board meet when the next DPS report comes out.

Chairman Hannah asked the Staff to prepare a document from the Board to the Governor expressing a desire to continue past the 5 year term of the Executive Order.

Mr. Rodriguez motioned a vote for the Board to recommend to the Governor for the Board to extend past the 5 year term. Motioned was seconded by Ms. Tomizuka.

**VOTE:** Ms. Tomizuka – Aye, Ms. Evans – Aye, Luis Fernandez – Aye, Mel Hannah – Aye, Mr. Rodriguez – Aye. **Motion carried unanimously**

## **7. NEXT MEETING DATE**

The Board agreed to meet mid July on a specific date to be determined via email.

## **8. CALL TO ADJOURN**

Meeting adjourned by Chairman Hannah at approximately 1:48 p.m.

*Meeting minutes transcribed by:  
DJ Shooter  
Boards and Commissions  
Office of Governor Brewer*